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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,346	07/02/2003	Daniel W. Mauney	27592-00162-US5	3780
<div>7590 06/14/2007 Connolly Bove Lodge & Hutz LLP 1990 M Street NW, Suite 800 Washington, DC 20036-3425</div>			<div>EXAMINER TRAN, TUAN A</div>	
			<div>ART UNIT 2618</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 06/14/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/612,346

Applicant(s)

MAUNEY ET AL.

Examiner

Tuan A. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6,7,11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,7,11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 6-7, 11 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen (6,590,928).

Regarding claim 1, Haartsen discloses a wireless communication device (See fig. 12) comprising: an antenna; a transmitter coupled to the antenna; and wireless communication circuitry coupled to the transmitter, the wireless communication circuitry configured to communicate with a proximally located peer wireless device using low power short-range signal (second signal) (See col. 11 lines 26-31), wherein the communication with the proximally located peer wireless device includes wireless data communication (See col. 11 lines 20-23, col. 13 lines 43-48). However, Haartsen does not mention the wireless communication device comprises a wireless communication circuitry configured to communication via a wide area wireless network using long range signal (first signal) (the long range signal is commonly known to be greater than the short-range signal in strength). Since wireless communication device comprising both long range and short-range transceivers is well known in the art (Official Notice taken by the Examiner) as shown by U.S. patent No. 6,134,437 issued to Karabinis as concrete

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evidence (See figs. 1-2); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the wireless communication device as disclosed by Haartsen with long range transceiver for the advantage of expanding the capability of the device to various types of communication protocols.

Regarding claims 14-15 and 17, Haartsen discloses an apparatus and method for establishing communication, the method comprising: communicating with a proximally located peer wireless device using short-range signal; and receiving a list of wireless device addresses from the proximally located peer wireless device (See col.11 lines 24-31, col. 14 line 66 to col. 15 line 45). However, Haartsen does not mention the steps of communicating with a wireless network using long range signal (the long range signal is commonly known to be greater than the short-range signal in strength); transmitting a find message including at least one wireless device address included in the list of wireless device addresses by using the long range signal; and receiving a response message associated with the wireless device associated with the at least one wireless device address included in the find message. Since wireless communication device comprising both long range (i.e. cellular transceiver) and short-range transceivers is well known in the art (Official Notice taken by the Examiner) as shown by U.S. patent No. 6,134,437 issued to Karabinis as evidence (See figs. 1-2), wherein cellular telephone, widely known in the art, allows its user to send text message to other recognized cellular phone user (from the stored address list) (i.e. "find message" such as "where are you?" to determine if the other user is in the same area) via cellular phone network as well as allows the other cellular telephone user to call back or reply back with

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another message (i.e. "response message" such as "I am in Bailey's Sport Bar on King Street"); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the system as disclosed by Haartsen with such mentioned features for the advantage of expanding the capability of the device to various types of communication protocols.

Claims 6-7 and 11 are rejected for the same reasons as set forth in claims 14-15 and 17, as apparatus.

Regarding claim 13, Haartsen discloses as cited in claim 6. Haartsen further discloses a memory for storing a list of wireless device addresses (See col. 14 lines 1-5).

Regarding claim 16, Haartsen discloses as cited in claim 14. Haartsen further discloses the step of appending the list of wireless device addresses to a previously stored list of wireless device addresses (See col. 14 lines 1-5).

Regarding claims 18-20, Haartsen & Hall disclose as cited in claim 14. Haartsen further discloses the steps of transmitting a page message including the at least one wireless device address (See col. 20 lines 19-33); establishing a voice transmission with a wireless device associated with the at least one wireless device address; or transmitting a text message to a wireless device associated with the at least one wireless device address (See col. 12 line 50 to col. 13 line 16, col. 13 lines 46-48).

Response to Arguments

Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

The applicant argued that Haartsen does not teach or suggest limitations "the communication with the proximally located peer wireless device includes wireless data communication and short range messaging communication". The examiner respectfully disagrees with the applicant's argument because Haartsen does teach these limitations (See Haartsen, col. 11 lines 20-23, col. 12 lines 50-60).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'Tuan Tran', with a horizontal line extending to the right.

Tuan Tran
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